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SENATE BILL 42

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Mary Kay Papen

AN ACT

**RELATING TO JUVENILES; CREATING A PILOT PROGRAM IN THE THIRD
JUDICIAL DISTRICT; AUTHORIZING ALTERNATIVE DISPOSITIONS FOR
ADJUDICATED DELINQUENT OFFENDERS AND YOUTHFUL OFFENDERS SUBJECT
TO JUVENILE SANCTIONS; ENACTING A NEW SECTION OF THE
DELINQUENCY ACT; MAKING AN APPROPRIATION.**

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**Section 1. A new section of the Delinquency Act is
enacted to read:**

**"[NEW MATERIAL] ALTERNATIVE DISPOSITIONS PILOT PROGRAM
CREATED--THIRD JUDICIAL DISTRICT--ALTERNATIVE DISPOSITIONS FOR
ADJUDICATED DELINQUENT OFFENDERS AND YOUTHFUL OFFENDERS SUBJECT
TO JUVENILE SANCTIONS.--**

**A. The "alternative dispositions pilot program" is
created in the third judicial district. The purpose of the**

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1 program is to provide children's court judges in the third
2 judicial district an opportunity to order an alternative
3 disposition for a child in instances when the department does
4 not offer sufficient services or programs for that child.

5 B. When a children's court judge in the third
6 judicial district orders an alternative disposition, he shall
7 place the child on probation and, as a condition of probation,
8 place the child in a long-term facility for the care and
9 rehabilitation of adjudicated delinquent children. The
10 facility may be located in state or out of state, provided the
11 facility is accredited by or meets standards established by the
12 American correctional association. The placement shall be for
13 a term of not less than eighteen months and not more than two
14 years.

15 C. A child eligible for participation in the
16 alternative dispositions pilot program shall:

17 (1) be adjudicated as a delinquent offender or
18 as a youthful offender subject to juvenile sanctions;

19 (2) at the time of adjudication, be fifteen to
20 eighteen years of age; and

21 (3) not be engaged in a course of treatment
22 that includes the use of psychotropic medications.

23 D. A child is not eligible for participation in the
24 alternative dispositions pilot program if he is adjudicated
25 for:

. 143255. 1

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1 (1) arson or negligent arson, as provided in
2 Section 30-17-5 NMSA 1978;

3 (2) aggravated arson, as provided in Section
4 30-17-6 NMSA 1978; or

5 (3) a second or subsequent offense of criminal
6 sexual penetration, as provided in Section 30-9-11 NMSA 1978. "

7 Section 2. APPROPRIATION. --Five hundred thousand dollars
8 (\$500,000) is appropriated from the general fund to the third
9 judicial district court for expenditure in fiscal year 2004 for
10 the purpose of operating an alternative dispositions pilot
11 program in that judicial district. Any unexpended or
12 unencumbered balance remaining at the end of fiscal year 2004
13 shall revert to the general fund.

14 Section 3. EFFECTIVE DATE. --The effective date of the
15 provisions of this act is July 1, 2003.